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Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1427 (2002) of 29 July 2002, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 2003. It describes developments in Abkhazia, Georgia, since my report of 14 October 2002 (S/2002/1141).

2. Heidi Tagliavini, my Special Representative for Georgia, continued to head UNOMIG. Major General Kazi Ashfaq Ahmed (Bangladesh) continued to serve as the Chief Military Observer. The strength of UNOMIG on 1 January 2003 was 114 military observers (see annex).

II. Political process

3. UNOMIG continued its efforts to advance the process towards a comprehensive settlement of the Georgian-Abkhaz conflict through substantive negotiations on the future status of Abkhazia within the State of Georgia. My Special Representative continued consultations with both sides on ways to bring about such negotiations on the basis of the paper entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter. Additional impetus to these efforts was given by the Under-Secretary-General for Peacekeeping Operations, who visited, together with Ms. Tagliavini, Tbilisi and Sukhumi in mid-November and held talks with the leadership of the two parties. They emphasized, especially to the Abkhaz side, that the framework set out in the paper — territorial integrity for Georgia, wide autonomy for Abkhazia and international guarantees — provided enough room to explore how the legitimate interest of both sides could be accommodated in a final settlement. The Russian Federation, on 14 November, made another attempt to arrange a meeting in Moscow of representatives of the Group of Friends and the United Nations with the Abkhaz side to exchange views on the settlement of the Georgian-Abkhaz conflict and the principles underlying the paper on competences. However, because of differing views on the modalities of the discussion, the meeting did not take place. President Eduard Shevardnadze, in his address to the Parliament of Georgia on 11 October, proposed to hold an international conference on Abkhazia to be chaired jointly by

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the United States of America and the Russian Federation, with the participation of Turkey and Ukraine.

4. Despite these efforts it was not possible to overcome the Abkhaz refusal to engage in substantive discussions on the paper on competences since the Abkhaz side continued to assert its unilateral declaration of independence of 1999 (see S/1999/1087, para. 7). The Abkhaz also cite the armed Georgian presence in the Kodori Valley as a reason for not entering into negotiations. The Georgian side, for its part, has been deeply upset by a campaign by the Abkhaz to acquire Russian citizenship and to promote closer ties to the Russian Federation, as exemplified by the reopening of the railroad between Sukhumi and Sochi on 25 December.

5. In her efforts, Ms. Tagliavini continued to rely on the support of the Group of Friends. Following her visits to Berlin, Moscow and Washington, she completed her round of consultations in the capitals by visiting London and Paris. The Under-Secretary-General for Peacekeeping Operations also stayed in close contact with special envoys of the Friends, including during his visit in mid-November to Moscow, where he met with President Vladimir Putin's special representative for the Georgian-Abkhaz conflict, First Deputy Foreign Minister Valery Loshchinin. To follow up on those discussions, I am planning to convene in the near future an informal high-level meeting of the Friends to discuss possible ways forward in the Georgian-Abkhaz peace process. I met with Ms. Tagliavini on 10 December in New York and discussed with her developments relevant to the UNOMIG mandate.

6. On the ground, the Mission continued its efforts to promote dialogue between the sides within the framework of the Coordinating Council. On 14 November, Working Group III of the Council (on socio-economic issues) met in Sukhumi under the chairmanship of the United Nations Development Programme resident representative, with the assistance of the Georgian-Abkhaz Bilateral Coordination Commission. The sides discussed the reinforcement of the Inguri riverbanks, restoration and protection of Abkhaz cultural monuments and the issue of the language of instruction in schools in the Gali district. However, it was not possible to convene the Coordinating Council itself, which has not met since January 2001. One issue that should be taken up by the Council is the possibility of convening in 2003 a fourth Georgian-Abkhaz conference on confidence-building measures.

7. On 29 November, Anri Jergenia was replaced by Gennadi Gagulia as the Abkhaz de facto Prime Minister. Mr. Gagulia had served in this capacity already between 1995 and 1998, and in the meantime he was the Chair of the Abkhaz Chamber of Commerce and Industry.

III. Operational activities

8. UNOMIG continued to perform its observation tasks by conducting daily ground patrols in the Gali and Zugdidi sectors and weekly or, in winter, fortnightly joint patrols with the Commonwealth of Independent States (CIS) peacekeeping force in the Kodori Valley. In late October, the Mission's Board of Inquiry finalized its investigation into the shooting down of a UNOMIG helicopter on 8 October 2001. While UNOMIG has instituted additional safeguards for helicopter flights, helicopter patrolling remained suspended and only administrative flights were carried out along flight routes over the Black Sea. On 28 September, the Georgian side asked for access to the crash site in connection with its criminal investigation of

the incident; the Abkhaz side declined. In mid-November, the Russian Federation indicated that it had evidence (in the form of a videotape) relating to the shooting down of the helicopter, which it would make available to the United Nations.

Kodori Valley

9. With the onset of winter, the situation in the Kodori Valley has stabilized, although tension remained. The Abkhaz side maintained that, under the Moscow Agreement (S/24523, annex), no armed personnel at all were allowed in the valley, whereas the Georgian side argued that only regular military forces were prohibited, but that armed border guards and local National Guard reservists could be present. Between October and mid-December, UNOMIG conducted eight patrols jointly with the CIS peacekeeping force in the Kodori Valley. No changes in the armed presence were noted. On 29 November the patrol observed a one-day local home defence exercise, in which about 80 border guards and local National Guard reservists practised guarding buildings in the upper Kodori Valley. UNOMIG patrols continued to rely on written guarantees for safe passage and security escorts from both the Georgian and Abkhaz sides.

10. During a patrol from 14 to 16 October, a resident of the upper Kodori Valley was seriously injured by a landmine; he was evacuated with the assistance of the CIS peacekeeping force. On 8 November, an accompanying Abkhaz officer denied the patrol access to a village in the lower Kodori Valley. The patrol issued a violation report, as it had had regular access to this village in the past and no reason for the denial had been given. UNOMIG has discussed the issue with the relevant Abkhaz authorities, who cited security concerns for its refusal, and will ask for access to the area again on one of the next patrols.

Gali and Zugdidi sectors

11. The situation in the Gali sector was marked by a number of violent incidents in the city of Gali and the lower Gali area. The number of robberies, kidnappings and killings increased during November and December. On 30 November, a car with two Abkhaz and one Georgian was shot at on the main road near Achigvara (in the upper Gali region); all three were killed. On 6 December, in Senardo Bedia (10 kilometres north-west of Gali city), some 15 to 20 armed and masked men abducted a local resident and shot him dead. On 13 December, four civilians were ambushed on the main road near Gali city. Two were killed and the others wounded. There were also three explosions: two parcel bombs, resulting in an Abkhaz security service official losing both hands and suffering serious eye damage on 17 October, and an explosion causing extensive damage to the local administration building in Gali city on 29 November. In addition, two landmines were found in the Gali sector and were neutralized by the CIS peacekeeping force.

12. The Abkhaz militia (police) conducted two search-and-arrest operations in the Gali security zone. On 5 November, a force of some 20 militiamen detained 15 people in the lower Gali area; they were released after four days. In a larger operation, between 25 and 27 December, involving approximately 150 militiamen, 40 persons were detained, 36 of whom were subsequently released; the remaining 4 are still being held. UNOMIG used its good offices to defuse the tensions and alleviate the fears of the local population created by these operations.

13. In follow-up to the November 2000 joint assessment mission (see S/2001/59, annex II) and as requested by the Coordinating Council's Working Group II (on internally displaced persons and refugees; see S/2002/1141, para. 18), a security assessment was undertaken in the Gali and Zugdidi sectors. The assessment team consisted of UNOMIG personnel, two officers from the Civilian Police Division of the Department of Peacekeeping Operations and two police monitors with experience in other United Nations missions. The assessment was carried out with the consent and cooperation of the authorities on both sides of the ceasefire line. Preliminary findings identified specific gaps in the organization, training and equipment of the local law enforcement organs. This, together with the absence of a political agreement on the return of refugees, constitutes a deterrent for persons wishing to exercise their right of return and aggravates the already difficult situation of those who have already returned to the Gali area. Enhancement of the rule of law and the administration of justice in the region so as to provide a safe and secure environment for returnees and internally displaced persons is urgently needed. UNOMIG will study the findings and recommendations of the security assessment upon completion of the team's full report and will follow up in consultation with the two sides.

14. During the period under review, the situation in the Zugdidi sector was calm. Criminal activity was relatively low, with only two killings and five robberies reported by the local authorities. Several peaceful demonstrations took place, mostly by internally displaced persons in protest of their living conditions. The local authorities took some steps to improve the situation, in particular the supply of electricity. Since 6 January, a group of internally displaced persons has been blocking the movement of UNOMIG and the CIS peacekeeping force at the main bridge over the Inguri River on the Georgian side. They protest, among other things, the extension of the CIS peacekeeping mandate, the resumption of the rail link between Sochi in the Russian Federation and Sukhumi and the continuing granting of Russian citizenship and Russian passports to residents of Abkhazia.

15. On 19 November, UNOMIG observed a naval firing exercise conducted by the Georgian military at the Kulevi training grounds, which partly overlap with the restricted weapons zone but which is used by Georgia as its traditional training area. During the exercise, two SU-25 aircraft and a number of heavy weapons were seen operating within the restricted weapons zone in violation of the 1992 Moscow Agreement. Both sides have committed similar violations in the past. UNOMIG intends to address this issue within the Coordinating Council mechanism. On 19 November, a Georgian coastal patrol intercepted a Turkish vessel fishing off the coast near Pitsunda. UNOMIG helped to defuse the tension between the parties, as the Abkhaz accused Georgia of attacking the vessel in international waters and undermining economic cooperation between Abkhazia and other countries in the region.

16. The joint fact-finding group, which brings together the two sides, UNOMIG and the CIS peacekeeping force, continued to investigate violent incidents, with all parties regularly attending scheduled weekly meetings and responding promptly to incidents. However, the lack of continuity of evidence and the slow completion of investigations continued to be a problem. Five cases are currently under investigation.

IV. Cooperation with the collective peacekeeping forces of the Commonwealth of Independent States

17. UNOMIG and the CIS peacekeeping force continued to work together closely, notably during the joint patrols to the Kodori Valley. A joint evacuation exercise was conducted to rehearse the procedures in case of a sudden emergency. Regular staff meetings held at the working level complement the frequent exchanges between the Chief Military Observer and the Commander of the CIS peacekeeping force.

18. On 20 and 21 December, Georgia and the Russian Federation held their fourth round of consultations on possible modifications to the mandate of the CIS peacekeeping force and to the status of the Gali security zone. At the invitation of both parties and CIS, a representative of UNOMIG attended as an observer. At this time, no agreement on the extension of the mandate of the CIS peacekeeping force, which ended on 31 December 2002, has been reached. Meanwhile, the force continued its regular activities.

V. Humanitarian situation and human rights

19. International humanitarian agencies and non-governmental organizations (NGOs) have continued to carry out their essential programmes targeting the acute food and medical needs of the most vulnerable segments of the population and to conduct small-scale rehabilitation projects, mine clearance and mine awareness training. Their activities have continued to be hampered by restrictions on border crossings between Abkhazia, Georgia, and the Russian Federation at the Psou River (see S/2001/401, para. 28). The work of the humanitarian agencies and NGOs also took place against the background of recurrent security and crime-related concerns. On 4 November, a vehicle of a British demining NGO was hijacked and stolen in the Koki area, but was subsequently recovered. On 24 December, four armed and masked men raided the residence of a foreign NGO in Sukhumi.

20. The United Nations High Commissioner for Refugees (UNHCR), in cooperation with local authorities and beneficiary communities, completed a basic school rehabilitation project, with only minor reconstruction work to be finished by local communities in some locations in January (see also S/2002/1141, para. 22). Vulnerable elderly persons in Sukhumi continue to benefit from a modest UNHCR assistance programme through a local NGO.

21. The European Community Humanitarian Office (ECHO) announced that €1.3 million would be provided to support humanitarian programming on both sides of the ceasefire line. ECHO support is targeted to the elderly and most destitute and will be used for dry food distributions, food canteens and income-generating activities. Two NGOs were able to resume their humanitarian activities in Abkhazia, Georgia, as a result of increased funding from ECHO and Switzerland. In December, the United Nations Development Fund for Women opened an office in Sukhumi to support its regional project entitled "Women for conflict prevention, conflict resolution and peace-building in the southern Caucasus". The first meeting was held on 20 December in Gali with approximately 30 representatives from Georgian and Abkhaz NGOs, local authorities, the CIS peacekeeping force and UNOMIG. The Academy for Educational Development, an American NGO, has also opened an

office in Sukhumi to support its young leaders programme for Georgian and Abkhaz youth.

22. UNOMIG itself continued to repair roads and bridges to enable its patrols to move freely and safely in its area of responsibility. The Mission also began implementing a series of small-scale quick-impact projects in its area of operations to alleviate the plight of internally displaced persons and returnees by restoring electricity supply in villages, repairing roofs on shelters and refurbishing a village hospital.

23. The United Nations Human Rights Office in Abkhazia, Georgia, continued to monitor practices of the de facto law enforcement agencies during pre-trial detention and criminal trials and to provide advisory services to the local population, mostly regarding ownership and property rights. It also participated in weekly quadripartite meetings to help address concrete issues of concern to returnees and internally displaced persons (see S/2002/1141, para. 23).

24. The absence of the rule of law and weak law enforcement structures remain an important cause of many human rights violations in the zone of conflict, and in the security zone in particular. Local residents in Gali continued to be denied access to education in their mother tongue. A number of cases of abuse of power and arbitrary detention by the de facto law enforcement agencies were reported during the search-and-arrest operations in the Gali district in November and December (see para. 12 above).

VI. Support issues

25. UNOMIG postponed the positioning of a third helicopter (approved in the 2002-2003 budget) until a decision on the resumption of helicopter patrolling is taken. The Mission has made further progress in improving its communication system by linking Senaki airport, the main Sukhumi headquarters repeater site and the CIS peacekeeping force headquarters with a high-capacity digital microwave system and installing 150 short-range and 50 long-range mobile telephones in the Sukhumi headquarters.

VII. Financial aspects

26. By its resolution 56/503 of 27 June 2002, the General Assembly appropriated an amount of $33,143,700, equivalent to $2,761,975 per month, for UNOMIG for the period from 1 July 2002 to 30 June 2003. The assessment of those amounts is subject to a decision of the Security Council regarding the mandate of the Mission.

27. Should the Security Council decide to extend the mandate of UNOMIG beyond 31 January 2003, the cost of maintaining the Mission until 30 June would be limited to the monthly amounts approved by the General Assembly.

28. As at 30 November 2002, unpaid assessed contributions to the UNOMIG Special Account amounted to $11.0 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1.5 billion.

VIII. Observations

29. When I reported to the Security Council last January, there were grounds for optimism. My Special Representative had finalized a paper, entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi", which provided the conceptual basis on which negotiations on a comprehensive settlement of the conflict could take place, and had obtained the full support of all members of the Group of Friends for this paper and the letter transmitting it to the parties. The Council also supported the paper and the letter as positive elements for launching the peace process between the sides. Now, after one year of strenuous efforts by my Special Representative and the Group of Friends, the two sides have not moved much closer to the start of negotiations. The tone of the parties has hardened, there is a deep mistrust between them and they show little sign of willingness to make the substantive compromises necessary for a meaningful peace process. The Abkhaz side, in particular, refuses to even enter into discussions on the principles on which negotiations should be based. In order for the conflict to be resolved rather than contained, the present impasse needs to be overcome. For this purpose, I intend to invite senior representatives of the Group of Friends to an informal brainstorming session on the way ahead.

30. The resumption of Coordinating Council meetings is essential for further progress to be made in the Georgian-Abkhaz peace process on the ground and, in particular to turn the recommendations of the working groups into firm commitments. A prompt convening of the next session of the Council would also make it possible for a timely decision to be made on a fourth conference on confidence-building and for preparations to begin.

31. The return of internally displaced persons to their homes in safe and secure conditions remains a burning issue. Regrettably, no progress has been made in the implementation of the 1994 quadripartite agreement on voluntary return of refugees and displaced persons (S/1994/397, annex II). The report of the joint assessment mission to the Gali district of November 2000 (S/2001/59, annex II) included recommendations for improving the situation, which should be implemented. On the specific issue of strengthening the law enforcement institutions, an assessment mission has been conducted, and I welcome the full cooperation of the two sides as a positive sign of their willingness to improve the situation for returnees and internally displaced persons.

32. I cannot but emphasize once again that both the Georgian and Abkaz sides bear responsibility for the safety of UNOMIG civilian and military personnel, as well as for safeguarding their freedom of movement at all times. They must also bring the perpetrators of crimes against United Nations personnel to justice.

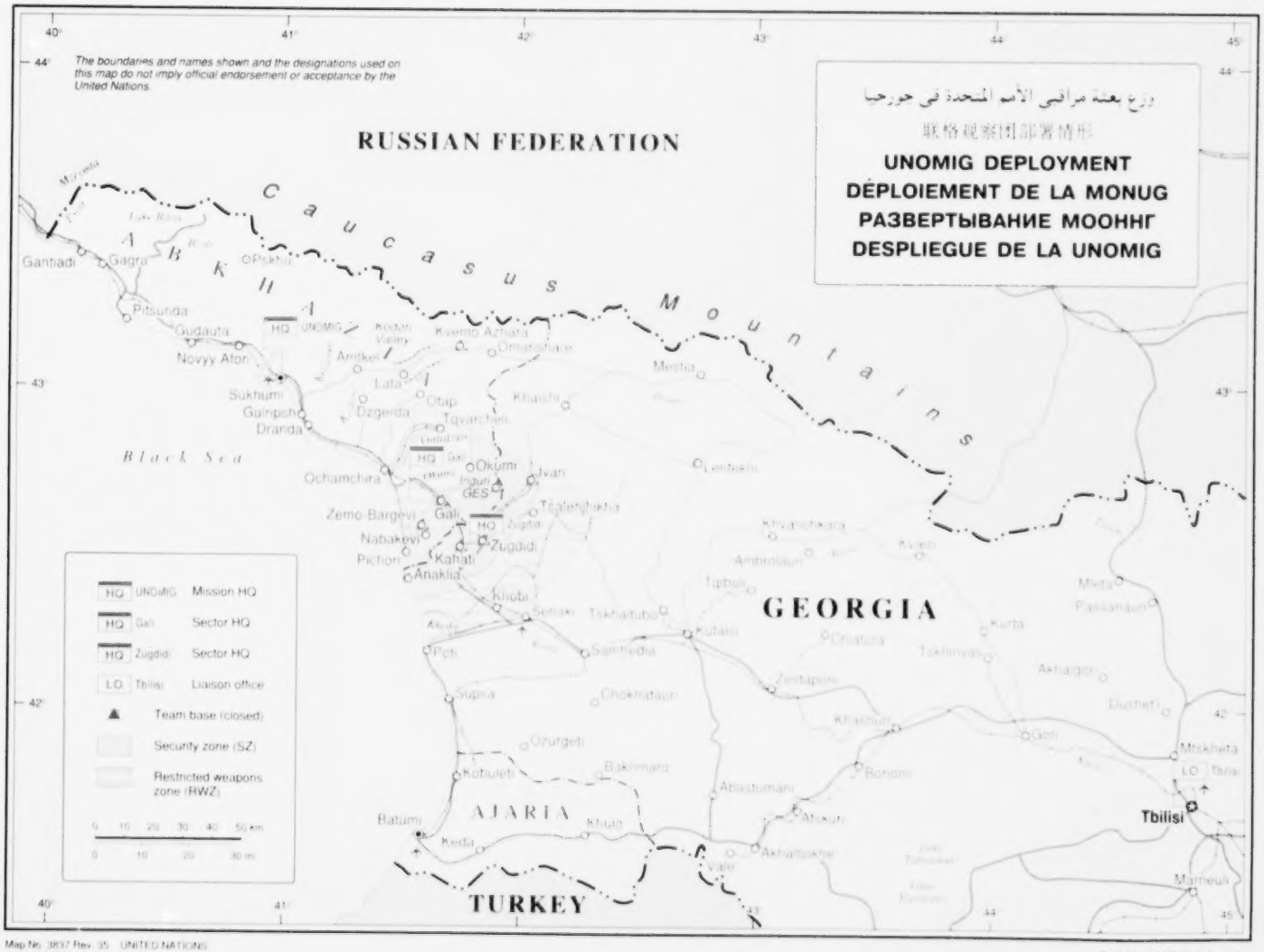
33. The presence of UNOMIG remains essential for maintaining stability in the conflict zone and for pursuing the process towards a political settlement of the conflict. I therefore recommend a further extension of the mandate of UNOMIG for six months, until 31 July 2003.

34. In conclusion, I would like to express appreciation to the Special Representative, Ms. Tagliavini, her Deputy, Roza Otunbayeva, and the Chief Military Observer, Major General Ashfaq, for their leadership of this challenging mission. I commend the men and women of UNOMIG for their commitment and courage in carrying out their difficult and often dangerous tasks.

Annex

Countries providing military observers (as at 1 January 2003)

Country	*Military observers*
Albania	3
Austria	2
Bangladesh	7
Czech Republic	5
Denmark	5
Egypt	3
France	3
Germany	11
Greece	5
Hungary	7
Indonesia	4
Jordan	7
Pakistan	9
Poland	4
Republic of Korea	7
Russian Federation	3
Sweden	3
Switzerland	4
Turkey	5
Ukraine	5
United Kingdom	7
United States	2
Uruguay	3
Total	**114**



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